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UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF NEW YORK

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U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK

Plaintiffs,

ZHANG Jingrong, ZHOU Yanhua,  
ZHANG Peng, ZHANG Cuiping, WEI  
Min, LO Kitsuen, LI Xiurong, CAO Lijun,  
HU Yang, GAO Jinying, CUI Lina, XU  
Ting, and BIAN Hexiang

Vs.

Chinese Anti-Cult World Alliance  
(CACWA), Michael CHU, LI Huahong,  
WAN Hongjuan ZHU Zirou, & DOES  
1-5 Inclusive,  
Defendants

**TOWNES, J.**  
**SCANLON, M.J.**

TORT CIVIL LIABILITY CLAIM

Civil Action No. \_\_\_\_\_

JURY DEMAND

**CV 15**

**1046**

**PRELIMINARY STATEMENT**

1. This is a civil action for compensatory, punitive, and statutory damages; a declaratory judgment; and injunctive relief for torts committed in violation of federal law and the laws of the state of New York, instituted pursuant to common law and specific statutory authorization under 42 U.S.C. § 1985(3) (civil rights violation), 18 U.S.C. § 248 (interference with religious freedom at place of religious worship), and N.Y. Civ. Rts. § 79-n (bias-related violence or intimidation), as detailed below.
2. Plaintiffs in this action include residents of Flushing, Queens, New York, or persons who visited Flushing and were subjected to bias-related intimidation and violence and other abuses. Plaintiffs are practitioners of Falun Gong (also known as Falun Dafa) or individuals whom Defendants mistakenly identified as Falun Gong.

3. Falun Gong is a peaceful spiritual practice based on the tenets of Zhen, Shan, Ren (truthfulness, compassion, and tolerance) that has much in common with other spiritual practices such as Taoism and Buddhism.

4. All of the named Plaintiffs have suffered injury as a result of an ongoing campaign of violent assaults, threats, intimidation, and other abuses at the hands of, in accordance with the plans and orders of, and with the concurrence, support, endorsement and/or supervision of the Defendants CACWA and its agents, Defendants Li Huahong and Michael Chu (a.k.a. Zhu Lichuang), acting in full collaboration with Defendants Wan Hongjuan, Zhu Zirou, and other associates, designated herein as Does 1-5 inclusive.

5. Plaintiffs Zhang Jingrong, Zhou Yanhua, Zhang Peng, Wei Min, Lo Kitsuen, Li Xiurong, Cao Lijun, Hu Yang, Gao Jinying, Cui Lina, and Xu Ting (“Falun Gong Plaintiffs”) practice the Falun Gong religion when in the Flushing area at the Falun Gong Spiritual Center (“Spiritual Center”) located at 40-46 Main Street.

6. Falun Gong Plaintiffs also engage in religious activities at five designated Falun Gong sites situated within walking distance of the Spiritual Center, which operate as extensions of the Spiritual Center. Falun Gong Plaintiffs staff and maintain tables at these sites and distribute Falun Gong religious literature. The 109<sup>th</sup> police precinct Captain Tommy Ng directly authorized Plaintiffs’ use of these tables for display and distribution of religious and protest materials. These five sites are located in Flushing at 136-06 Roosevelt Avenue, 41-17 Main Street, 41-65 Main Street, 41-28 Main Street, and 41-70 Main Street.

7. This action is instituted against the Chinese Anti-Cult World Alliance (CACWA), Michael Chu, Li Huahong, and their co-conspirators, Wan Hongjuan, Zhu Zirou, and Defendants 1-5 inclusive.

8. Defendants Chu and Li coordinated, managed and participated in an ongoing campaign of violence and intimidation as CACWA leaders, agents, and collaborators.

9. The CACWA, established in 2008, has defined its mission in its New York Certificate of Incorporation as exposing Falun Gong as an evil and dangerous threat to humanity and to society. The Chinese Communist Party has used these labels to designate Falun Gong, Tibetan Buddhists, and other so called “dissident” groups as appropriate targets for violence and suppression. As noted

below, CACWA materials and affiliated websites define the CACWA mission as involving a well-organized campaign of violence and intimidation in addition to anti-Falun Gong polemic.

10. CACWA operates a booth located in Flushing at 41-40 Main Street, where CACWA supporters distribute anti-Falun Gong flyers and pamphlets.

11. The alleged abuses took place as a result of the often-collaborative acts of all Defendants. The Defendants were aware of the ongoing nature of these illegal acts. Defendants, and especially Michael Chu and Li Huahong, had the ability, duty, and responsibility to prevent or attempt to prevent their occurrence. Instead, they planned, ordered, instigated, endorsed, ratified, or in other ways assisted such persons in their commission of the alleged abuses, or personally carried them out.

12. Defendants organized, instigated or incited, endorsed, supported, and/or participated in the alleged abuses while Plaintiffs were walking on or using the public streets of Flushing, New York; were engaging in constitutionally protected religious activities at the Spiritual Center or its associated Falun Gong sites; and/or were engaging in other constitutionally protected activities that were permitted or authorized by the state.

13. Spurred to action to undermine the basic legal protections guaranteed to Falun Gong believers in the United States, Defendants collaboratively coordinated what CACWA characterizes (in their flyers, pamphlets, and other materials) as a violent campaign to purge Flushing of Falun Gong. This campaign has ignited a cultural panic and atmosphere of intense fear that has radically intensified the climate of hatred through which Defendants' acts of violence and intimidation have advanced.

14. This case seeks to challenge Defendants' involvement in a conspiracy to injure Plaintiffs and deprive them of their fundamental rights on the basis of their religion. It is not premised on the Defendants' anti-Falun Gong hate speech. The CACWA's prolific, willfully deceptive, and inflammatory rhetoric about the "evil" Falun Gong "cult," featuring frequent depictions of Falun Gong believers as "psychopathic," "exceptionally brutal and savage," and in other ways "subhuman" and "demonic," is relevant insofar as it demonstrates Defendants' invidiously discriminatory animus and the shared intent of the conspirators. It does not by itself form the basis for any independent cause of action.

15. Plaintiffs seek a judgment declaring that Defendants' actions are illegal, in violation of federal and New York state law. Plaintiffs further seek compensatory, punitive, and statutory damages for the alleged violations, and injunctive relief enjoining Defendants from undertaking specific actions, as detailed below.

16. By seeking to enjoin, punish, and deter Defendants' actions, Plaintiffs seek to prevent further escalation of the abuses before they reach an even more violent, and possibly lethal, phase.

#### **JURISDICTION AND VENUE**

17. This Court has jurisdiction over this case pursuant to 42 U.S.C. § 1985(3) (civil rights violation); 18 U.S.C. § 248 (intimidation and interference with right of religious freedom at place of religious worship); 28 U.S.C. § 1332 (diversity); and 28 U.S.C. § 1367 (supplemental jurisdiction).

18. Venue is proper in this Court under 28 U.S.C. § 1391(b), because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in Flushing, New York, as detailed below. Eleven of the fourteen Plaintiffs are residents of New York State. Defendant CACWA is registered under the laws of New York, and Flushing, New York is its principal place of operation. Defendants Chu and Li operate in Flushing, New York. By information and belief, Defendants Michael Chu, Li Huahong, Zhu Zirou, and Wan Hongjuan reside in New York State.

#### **PARTIES**

##### **A. Plaintiffs**

19. Plaintiffs were all subjected to assaults, battery, death threats, mob violence, and/or other abuses in Flushing, New York, either directly committed by Defendants or as a direct result of Defendants' planning, instigation, ordering, aiding and abetting, participation in, or conspiracy to commit these acts.

20. Plaintiff Zhang Jingrong is a citizen of the People's Republic of China and a green card holder residing in New York City. On January 16, 2015, Plaintiff Zhang was staffing the Falun Gong site located at 41-70 Main Street with another Falun Gong believer, Zhang Youxiang. At or around 1:10 p.m., while Zhang Jingrong and Zhang Youxiang were walking and distributing Falun Gong religious and protest materials near the site site, Defendant Wan Hongjuan approached the table,

knocked religious materials displayed there onto the ground, and while holding a piece of paper said, “I will eradicate you all from the United States. I have a list of all of your names on my paper. It is of no use if you call the police.” Defendant Wan’s behavior placed Plaintiff Zhang in fear of imminent bodily injury or even death.

21. Plaintiff Zhou Yanhua is a citizen of the People’s Republic of China and resides in New York City as a green card holder. On January 16, 2015, while Plaintiff Zhou was walking on Main Street near the Falun Gong site located at 41-28 Main Street, distributing Falun Gong religious and protest flyers, he saw Defendant Wan Hongjuan knock the Falun Gong materials off a Falun Gong table and heard her say loudly to him and other Falun Gong believers in the area, “You can call the police. We have people in the police station. I am going to eradicate all of you within three months.” A few years earlier, in September 2011, while Plaintiff Zhou was walking on Main Street at the Falun Gong site in the same location, distributing the same or similar fliers, Defendant Zhu Zirou approached Plaintiff Zhou, cursed him, tore down the Falun Gong display boards, and struck Plaintiff Zhou several times on his arms. A few months earlier, in April 2011, while Plaintiff Zhou was distributing the same material, Defendant Li Huahong aggressively threatened Plaintiff Zhou and informed him that he and other Falun Gong believers are all included on a “blacklist” maintained by the Chinese Embassy. Each of these incidents placed Plaintiff Zhou in fear of imminent bodily injury or even death.

22. Plaintiff Plaintiff Lo Kitsuen is a citizen of Hong Kong and resides in Flushing, New York. On December 17, 2014, while staffing a Falun Gong site located at 136-06 Roosevelt Avenue, near the Spiritual Center, Defendant Li Huahong physically attacked him and verbally abused him for several minutes. A few months earlier, on February 8, while participating in a lawfully permitted Chinese New Year’s parade, Plaintiff Lo was subjected to acts of violent intimidation when a mob of CACWA supporters (wearing CACWA red vests), Chinese Communist Party loyalists, and others raised their fist and shouted in Chinese, “Down with the evil cult.” Each of these incidents placed Plaintiff Lo in fear of imminent bodily injury or even death.

23. Plaintiff Xu Ting is a citizen of the People’s Republic of China and a resident of Canada. In September 2014, Plaintiff Xu was walking up and down Main Street near the Falun Gong Spiritual Center, distributing Falun Gong religious and protest flyers. After she attempted to give a Falun

Gong flyer to Defendant Zhu Zirou, Defendant Zhu smashed the flyer in Plaintiff Xu's face and cursed at her. Plaintiff Xu ran away in tears. Defendant Zhu's behavior placed Plaintiff Xu in fear of imminent bodily injury or even death.

24. Plaintiff Wei Min is a citizen of the People's Republic of China and resides in Flushing, New York, as a refugee. Plaintiff Wei was verbally threatened and physically attacked by Defendant Wan Hongjuan on August 23, 2014, as a result of his Falun Gong religious beliefs, while he was walking past a CACWA poster board display located at the Long Island Railroad underpass on Main Street in Flushing, New York. A few months earlier, on June 28, 2014, he was physically attacked by Defendant Li Huahong near the Falun Gong spiritual site located at 41-70 Main Street. Each of these incidents placed Plaintiff Wei in fear of imminent bodily injury or even death.

25. Plaintiff Hu Yang is a citizen of the People's Republic of China and currently resides in Flushing, New York. On July 21, 2014, as Plaintiff Hu walked up and down Main Street in front of the Falun Gong site located at 136-06 Roosevelt Avenue, distributing Falun Gong religious materials, Defendant Wan Hongjuan aggressively shoved and kicked him as she tried to steal his cellphone. Three days later, on July 24, 2014, Defendant Wan said in a highly threatening manner to Plaintiff Hu and several other Falun Gong believers who were distributing religious and protest materials at the same location, "You are even worse than dogs. I'm going to round you all up and exterminate all of you within three months. I'll strangle all of you to death." Each of these incidents placed Plaintiff Hu in fear of imminent bodily injury or even death.

26. Plaintiff Gao Jinying is a citizen of the People's Republic of China who resides in Manhattan, New York. On July 21, 2014, Plaintiff Gao saw Defendant Wan attack Plaintiff Hu on Main Street in front of the Falun Gong site at 136-06 Roosevelt Avenue. On July 24, 2014, Plaintiff Gao was distributing flyers at the same location with Plaintiff Lina Cui, when Defendant Wan threatened them with extermination and strangulation. In April 2011, while traveling by foot on Main Street near the Spiritual Center, Plaintiff Gao was personally threatened by Defendant Li Huahong, who among other things said to her, "...[T]he United States cannot protect you. We can make you disappear in the United States. The Chinese Embassy has a blacklist of all of you." Each of these incidents placed Plaintiff Gao in fear of imminent bodily injury or even death.

27. Plaintiff Cui Lina is a citizen of the People's Republic of China who resides in Flushing, New York. On July 24, 2014, Lina Cui was walking up and down Main Street near Roosevelt Avenue, distributing Falun Gong religious and protest material. She was with Plaintiff Gao Jinying, and Hu Yang, when Defendant Wan suddenly threatened to exterminate and strangle them. During the same month, Plaintiff Cui heard Defendant Li Huahong tell several Falun Gong believers, "I've already taken pictures of all of you. The moment you return to China, we will arrest you." Each of these incidents placed Plaintiff Cui in fear of imminent bodily injury or even death.

28. Plaintiff Zhang Peng is a citizen of the People's Republic of China. He resided in Flushing, New York, from January 2014 through January 2015. He now resides in Middletown, New York. Prior to his arrival in the United States, he worked as an instructor of engineering at the Middle-South China Institute of Technology (now South China University) in Hengyan City, China, and practiced law, until he was detained as a result of his practice of Falun Gong. During his unlawful detention in China in March and April 2012, Plaintiff Zhang was forced to watch an anti-Falun Gong propaganda video of acts of violence committed in Flushing against Falun Gong believers there, to force him to denounce his deeply held religious beliefs. Plaintiff Zhang still suffers from this mental torture that he was forced to endure. Upon information and belief, Defendants Li Huahong and Michael Chu played a major role in the transmission of this footage to China, fully aware that it would be used to mentally torture Falun Gong believers in China. Following Plaintiff Zhang Peng's arrival in the United States, on July 19, 2014, Defendant Wan physically assaulted him while he walked up and down Main Street in front of the Falun Gong spiritual site located at 136-06 Roosevelt Avenue. Defendant Wan's behavior placed Plaintiff Zhang Peng in fear of imminent bodily harm or even death.

29. Plaintiff Li Xiurong is a citizen of the United States. She resided in Flushing, New York, until March 6, 2013, when she moved to Ellicott City, Maryland. In July 2011, while she and Plaintiff Cao Lijun walked together on Main Street from the Falun Gong site located at 41-70 Main Street to the Spiritual Center, they were physically attacked by Defendant Li Huahong. Defendant Zhu Zirou was with Defendant Li. As soon as Defendant Li requested "backup," a mob of twenty to thirty people arrived on the scene and surrounded Plaintiffs Li and Cao. Defendant Zhu aggressively grabbed Li's shoulder bag. Members of the crowd yelled out, "Grab her and hold her." Plaintiff Li

heard others yell, "Kill her" and "Beat her to death." The violence lasted about thirty minutes, ending only when the police arrived on the scene. This incident placed Plaintiff Li in fear of imminent bodily injury or even death.

30. Plaintiff Cao Lijun is a citizen of the People's Republic of China and resides in Flushing, New York. Plaintiff Cao was walking on Main Street with Plaintiff Li Xiurong during the incident described immediately above. Like Plaintiff Li, Plaintiff Cao was surrounded and threatened by the angry anti-Falun Gong mob. Plaintiff Cao was able to run away to seek help. As noted above, the violence ended when the police arrived on the scene. This incident placed Plaintiff Cao in fear of imminent bodily injury or even death.

31. All of the aforementioned Plaintiffs are Falun Gong believers. All were targeted by Defendants through a well-coordinated campaign of violence and intimidation that interfered with their rights to practice their religion at the Spiritual Center and its associated Falun Gong sites and to freely travel on and use the public streets of Flushing. All were placed in fear of imminent bodily harm or even death as a result of the specific incidents they endured. All were placed in fear of traveling in or around the area of the Spiritual Center to practice their religious beliefs or distribute religious materials there as a result of the specific incidents they endured as well as the broader campaign of violence and intimidation directed against the Falun Gong community at large.

32. Plaintiffs Zhang Cuiping and Bian Hexiang were targeted based on Defendants' mistaken identification of them as Falun Gong believers.

33. Plaintiff Zhang Cuiping is a citizen of the People's Republic of China and a resident of Flushing, New York. On January 3, 2015, as she walked along Main Street under the Long Island Railroad underpass, Defendant Wan Hongjuan rushed at her, grabbed her camera, and struck her on her left arm. Plaintiff Zhang Cuiping retreated back to the site where she displays protest poster boards, located near the entrance to New World Mall. Defendant Wan approached her and issued death threats, telling her, among other things, "You don't know how you will die. I won't kill you, but someone else will." Following this incident, Plaintiff Zhang Cuiping filed a police report with the 109<sup>th</sup> precinct in Flushing. Defendant Wan's behavior placed Plaintiff Zhang Cuiping in fear of imminent bodily injury or even death.

34. Plaintiff Bian Hexiang is a citizen of the People's Republic of China and resides in Queens, New York. On March 9, 2009, Defendants Li and Zhu attacked him. Defendant Li and/or one or more of her associates later misinformed the police, who arrived at the scene after being called by a CACWA associate, by claiming inaccurately that Plaintiff Bian had assaulted him. The police later told Plaintiff Bian that these acts were carried out by CACWA associates based on their mistaken identification of him as a Falun Gong believer. Defendant Li and Zhu's behavior placed Plaintiff Bian in fear of imminent bodily injury or even death.

35. Each of the specific incidents endured by Plaintiffs Zhang Cuiping and Bian placed them in fear of imminent bodily injury or even death. They were also placed in fear of traveling in or around the area of the Spiritual Center as a result of these specific incidents and the broader campaign of violence and intimidation directed against the Falun Gong community in Flushing or those who may be mistaken for members of the Falun Gong community.

## **B. Defendants**

36. Defendant Chinese Anti-Cult World Alliance (CACWA) is a not-for-profit association registered under the laws of New York, with its principal place of operation in Flushing, New York. Since its establishment in 2008, the CACWA planned, directed, organized, mobilized, endorsed, and futhered the alleged violations through Defendants Chu and Li, acting as agents of CACWA, and with the support of and in collaboration with Defendants Wan and Zhu.

37. According to CACWA materials and affiliate websites, the CACWA was created solely to wage a "*douzheng*" campaign against Falun Gong believers in New York and especially Flushing. In post-Cultural Revolution Chinese Communist Party parlance, a "*douzheng*" (which roughly translates as "crackdown" or "violent suppression" or "violent attack"), calls for Party loyalists to totally eradicate and suppress a newly targeted dissident group. As such, the CACWA was incorporated for an unlawful purpose and with the unlawful mission to suppress the Falun Gong community in New York through violence and intimidation.

38. The injuries suffered by Plaintiffs in Flushing, where the CACWA is active, are direct and foreseeable results of acts that were carried out by the CACWA through its agents (Defendants Chu

and Li), supporters, affiliates, and collaborators, pursuant to a common plan that CACWA and helped to formulate and implement.

39. Defendant Michael Chu is a citizen of the Taiwan. Defendant Chu carries out most if not all of his CACWA operations in Flushing, New York. According to his business card, he serves as a Co-Chair of the CACWA. In this capacity, Defendant Chu planned, managed, organized, instigated, mobilized, endorsed, and furthered CACWA activities in Flushing and, as a result, played an essential role in establishing the CACWA's presence in New York.

40. The injuries suffered by Plaintiffs in Flushing, where Defendant Chu is active, are direct and foreseeable results of acts that were carried out by Defendant Chu and/or by Defendant Chu's collaborators pursuant to a common plan that Defendant Chu approved and helped to formulate and implement.

41. Defendant Li Huahong carries out most if not all of her CACWA operations in Flushing, New York. According to her business card, she serves as a Co-Chair of the CACWA. As such, she directs, plans, manages, organizes, and supervises CACWA activities in Flushing and has played an essential role in establishing the CACWA's presence in New York. Her involvement in the mobilization, incitement, instigation, and endorsement of mob violence against Falun Gong is detailed below. The injuries suffered by Plaintiffs and others in Flushing are direct and foreseeable results of acts that were carried out by Defendant Li or by Li's collaborators pursuant to a common plan that Li approved and helped to formulate and implement.

42. Defendants CACWA, Chu, and Li have collaborated extensively with co-conspirators Zhu Zirou and Wan Hongjuan.

43. Defendant Zhu Zirou, who by information and belief resides in Flushing, New York, has collaboratively engaged in the anti-Falun Gong acts of intimidation and violence set forth below since March 2009. By information and belief, his decision to act collaboratively with Defendants Chu and Li was based solely or largely on the widespread propaganda and recruitment activities of Chu and Li.

44. Defendant Wan Hongjuan, who by information and belief resides in Flushing, New York, has collaboratively engaged in the anti-Falun Gong acts of violence and intimidation set forth below since early 2014. By information and belief, her decision to support the anti-Falun Gong campaign

in Flushing was based solely or largely on the propaganda and recruitment activities of Defendants Chu and Li.

45. Each of the Defendants was a co-conspirator with each of the remaining Defendants and at all times was acting within the purpose and scope of such conspiracy with the knowledge, authorization, permission, consent, and/or subsequent ratification and approval of each of the Defendants, pursuant to a common plan.

46. The true names and capacities, whether individual, official, corporate, associate, or otherwise, or precise participation of Defendants Does 1-5, inclusive, are not known to Plaintiffs at the time of the filing of this Complaint and, therefore, these Defendants are being referred to by such fictitious names, and Plaintiffs will seek leave to further amend this Complaint to show their true names and/or capacities and precise participation when the same have been ascertained. One or more "Does" participated in the acts of violence and intimidation detailed herein in concert with one or more of the named Defendants. They are therefore responsible as co-conspirators who intentionally participated in the events referred to herein which directly caused damages and injury to Plaintiffs.

47. Defendants Chu, Li, Wan, Zhu, and Does 1-5, inclusive, each have a personal stake in the violent suppression of Falun Gong, because each harbors personal ill will toward the Falun Gong community as a group, which they willfully mischaracterize as a threat to the Chinese Communist Party and Chinese state and as a "deviated religion" or "evil cult," because their spiritual beliefs stand in contradiction to the professed atheism of the Chinese Communist Party.

## **GENERAL ALLEGATIONS**

### **Background Information**

#### **A. Broad Campaign Against Falun Gong Believers**

48. Since 2008, Falun Gong believers in Flushing, New York, have endured and been threatened by a campaign of violence, intimidation, and abuse violative of their civil rights. Such abuse has occurred with the authorization, support, specific direction, and substantial assistance of Defendants CACWA, Michael Chu, and Li Huahong, acting in collaboration with Defendants Wan Hongjuan,

Zhu Zirou, and Does 1-5. As indicated above, such a campaign is termed in post-Cultural Revolution Chinese Communist Party parlance a “*douzheng*.”

49. A key objective of such *douzheng* campaigns has been the forced conversion of targeted groups through violence aimed at forcing members of such groups to renounce their Party-disfavored political or religious beliefs, supported by a propaganda campaign which (like those carried out in Nazi Germany during World War II, the former Yugoslavia, and Rwanda) characterize the victims as legitimate and appropriate targets of violence and abuse.

50. Initiated by then-Party Chief Jiang Zemin in the spring of 1999, the anti-Falun Gong campaign was extended into the United States as early as 2001, where it gave rise to different but related forms of violent suppression and a virtually identical campaign of propaganda and lies.

51. Several Party-controlled associations in China, including the China Anti-Cult Association (“CACCA”), established anti-Falun Gong organizations in the United States to conduct “comprehensive suppression overseas.” The CACA, which was founded in 2000 in China to purge the world of the Falun Gong religion and its believers through a “*douzheng*” campaign, created branch offices and affiliate organizations around the world to suppress Falun Gong outside of China. The CACWA is one such branch office or affiliate organization and operates in Flushing, New York.

52. The CACWA has furthered the global anti-Falun Gong campaign in Flushing through violence, death threats, and other forms of intimidation that have interfered with Falun Gong believers’ religious practice, peaceful protests, travel, and other protected activities in various ways.

53. All of these acts have been directed against actual or perceived Falun Gong believers based solely on their religious beliefs.

#### **B. May 2008 Outbreak of Anti-Falun Gong Violence in Flushing**

54. On May 17, 2008, in Flushing, New York, mobs of people waving Communist China flags participated in acts of violence and intimidation against local Falun Gong believers who were holding a rally to support the withdrawal of 36 million people from the Chinese Communist Party. The rally began with a request for a moment of silence to mourn the deaths of earthquake victims in Sichuan. Instead of respectful silence, however, the request was met with yelling and shouting from

the mob on the other side of the street. Many members of the crowd rushed at, seized, and beat several Falun Gong believers, including Judy Chen, an American citizen and mother of two U.S. Marines. Ms. Chen was spit on, hit on her head and neck, scratched on her face, and publicly humiliated on May 17, 2008, by a mob of anti-Falun Gong Chinese Communist Party loyalists.

55. Again, on the morning of May 20, 2008, during a peaceful Falun Gong religious celebration and protest of recent acts of violence committed against Falun Gong believers in Flushing, a small group of Falun Gong believers were surrounded by a large crowd, who were angrily shouting anti-Falun Gong slogans and threats in unison. Just a few of the many threats and anti-Falun Gong statements shouted by members of the crowd were: “I’ll kill you. I’m not kidding. I will really kill you,” “Heaven will eliminate Falun Gong,” and “Eliminate the evil cult.” The insignia used by the mobs reinforced the message with images of skulls and cross bones drawn directly under code words used in China to willfully mischaracterize Falun Gong believers as members of an “evil cult” or “deviated religion,” a phrase used in Chinese Communist Party parlance to mark dissident religious groups as legitimate targets for discrimination and abuse.”

56. During the incident, Falun Gong believer Erh Boon Tiong, who was in Flushing to join the peaceful religious celebration and protest, was among a small group of Falun Gong believers surrounded by a large crowd, who were angrily shouting anti-Falun Gong slogans and threats. As soon as Mr. Tiong took a photo of the crowd, members began to rush at him and beat him. Though he tried to escape their blows, Mr. Tiong was surrounded by up to six people at a time, striking him and tearing at his clothing. Although Mr. Tiong feared for his life during this altercation, he did not return the blows of his assailants because of the strictly non-violent tenets of his religious beliefs. During the incident, the individuals beating him continuously expressed explicit animus against Falun Gong. One or more blows struck Mr. Tiong’s right ear, causing it to tear and bleed heavily. He suffered severe blows to his head and torso and was later admitted to a hospital where a doctor told him he had suffered an abrasion to the side of his head. During this incident, members of the crowd also spat on Mr. Tiong and pelted him with eggs. This and subsequent incidents caused Mr. Tiong to fear for his physical safety and effectively denied him the right to openly practice his religion or participate in civic life in his community.

57. By June 27, 2008, the police had arrested several people based on their participation in the attacks, including Defendant Li, who was arrested on May 20, 2008, for her role in the May campaign.

58. Immediately after her arraignment in Queens Criminal Court, on July 18, 2008, and before she had exited the courthouse, Defendant Li shoved an anti-Falun Gong headband at a Falun Gong believer's face, while an associate of Defendant Li stood nearby, cursed at the Falun Gong believer, and said, "In Flushing, Falun Gong must not be allowed to exist." After leaving the courthouse, Defendant Li pounced at Falun Gong believer Zhen Wang, who was taking pictures of Defendant Li's associates, who were cursing and threatening Falun Gong believers outside of the Queens County Criminal Court, and ordered Zhen to stop taking pictures. According to Zhen Wang, Defendant Li appeared out of control. During the attack, one of Defendant Li's associates shouted, "I want to beat you to death so badly."

### **C. The Establishment of the CACWA and its *Douzheng* Mission**

59. In September 2008, shortly after the May attacks, Defendant Li Huahong registered the CACWA as a not-for-profit organization under the laws of New York state in full collaboration with Defendant Chu, whose business address was provided as the business address of the new organization. Soon thereafter, CACWA-affiliated websites made clear that the CACWA was stationed in Flushing to "*douzheng*" (i.e., violently attack, violently suppress, persecute, crackdown on) Falun Gong believers. See, e.g., "Bad Year for Falun Gong," at <http://www.cnfxj.org/fxjlt/fxjlt1/32949.shtml>. See also, "Falun Gong Badly Injured," at <http://www.cnfxj.org/fxjlt/fxjlt1/32936.shtml> (since 2008 CACWA has been waging a "*douzheng*" campaign against Falun Gong).

60. The unlawful "*douzheng*" mission of the CACWA is not only openly discussed and even touted on CACWA affiliated websites, but is also proclaimed in materials disseminated in Flushing by CACWA leaders, agents, collaborators, and/or supporters. In one CACWA flyer featured in the 10<sup>th</sup> Issue of the Shitou Newsletter, the May 2008 anti-Falun Gong violence and intimidation is described as an "encircling attack" ("*weidu*") perpetrated effectively against Falun Gong. The same flyer describes the CACWA as an organization that counters and violently attacks Falun Gong

(“*fanzhi yu douzheng*”). In another four-page CACWA flyer, labeled Issue 30 of the Shitou Newsletter, one article, characterizes the “battle against” Falun Gong as a “*douzheng*” and compares it to the “violent suppression” of terrorists organizations around the world, notwithstanding the peaceful nature of the spiritual practice. In yet other CACWA materials, the CACWA openly describe their anti-Falun Gong booth as a “refueling station” where anti-Falun Gong individuals may gather and encourage one another to oppose Falun Gong. See Shitou Newsletter, Issue 10.

61. Defendants Chu and Li placed themselves at the top of the CACWA hierarchy and directly provided those committing the abuses with motivation, support, justification, and a library of materials to use in building further support as set forth in further detail below.

62. Upon CACWA’s establishment, Defendants Li and Chu directed its activities to the acts of violence, intimidation, ostracism, dehumanization, e.g., definition as “demons,” “epidemic,” or “threats.” They collaborated in their planning and coordination of (a) the production of CACWA propaganda materials that call for violence against believers and characterize them in dehumanizing and degrading terms; (b) the designation of sites for their distribution and display that were close to well-known Falun Gong religious sites, (c) the recruitment of “overseas Chinese” to distribute fliers, staff the CACWA booth, verbally abuse and physically attack believers; (d) the coordination of anti-Falun Gong rallies and other such hate-based events, which separately and cumulatively disseminated throughout Flushing the “call to arms” against Falun Gong and the need to target believers for violent suppression and other forms of abuse; and (e) the coordination of the ongoing perpetration of acts of violence and intimidation that interfere with Plaintiffs’ rights in the manner set forth below.

63. Both Defendants have well-developed connections with a wide network of other individuals and entities in the United States and China that have been active in seeking to incite or produce acts of violence and intimidation against Falun Gong believers in the United States (and abroad).

64. Following CACWA’s establishment, Defendants Chu and Li have regularly appeared in public together on behalf of the CACWA, where their primary or sole purpose was to instigate ongoing aggression and violence against local Falun Gong believers in Flushing. Both Defendants furthered the violence perpetrated against Falun Gong through their distribution of CACWA fliers calling for the violent suppression (*douzheng*) of Falun Gong.

65. The CACWA is one of the most militant anti-Falun Gong organizations in the United States. Participation is restricted to Chinese Communist Party loyalists who are not affiliated with Falun Gong.

**D. Defendants' Associations with the Chinese Communist Party and Chinese Anti-Falun Gong Organizations**

66. According to several sources, including an official report that was given a first-place award in 2011 by the China Anti-Cult Association, it is difficult for the Chinese Communist Party to extend its "*douzheng*" of Falun Gong abroad through official channels. For this reason, the report recommended the creation of anti-cult organizations on a local level in other countries that the Party could fund through unofficial channels, including, by information and belief, the CACWA which, as noted above, operates in Flushing, New York to violently suppress Falun Gong.

67. Defendant CACWA has been recognized and praised for its efforts by such Chinese Communist Party-run entities as the CACA. The CACWA was praised by the recently ousted Zhou Yongkang, who worked closely with former Party Chairman and Chinese President Jiang Zemin to define and implement the crackdown against Falun Gong in China. A representative of Zhou Yongkang even awarded the CACWA an award for "Daring to Struggle" against Falun Gong in the United States.

68. Defendants Li and Chu have both aligned themselves more closely with Chinese Communist Party anti-Falun Gong policies than with the policies or values of the United States. While the United States Congress has issued many resolutions defining Falun Gong as a peaceful spiritual practice and denouncing the persecution and torture of adherents as international law violations and human rights abuses, Defendants Chu and Li perpetuate a virulent anti-Falun Gong polemic and further the ongoing campaign of violence and intimidation against the Falun Gong community in Flushing.

69. Defendant Chu is affiliated with several groups in China that monitor and oversee the behavior of "overseas Chinese," a term commonly used to describe Chinese groups living outside of China. According to his business card, Defendant Chu is the Director of the China Overseas Exchange Association (COEA). The COEA monitors Chinese expatriates and seeks to influence

overseas Chinese communities. It operates under the auspices of the Overseas Chinese Affairs Office (OCAO), an administrative office which in turn operates under China's State Council, the chief administrative authority of the People's Republic of China. OCAO plays a major role in encouraging overseas Chinese communities to "implement and execute the Party line" while residing overseas. See 2005 OCAO report, available at: <http://www.cecc.gov/publications/annual-reports/2008-annual-report#612a>. Especially important in this regard is the "launching of *douzheng* campaigns to oppose Falun Gong . . . and expanding the *douzheng* struggle with Taiwanese independence forces, ethnic separatism and other enemy forces." Several other OCAO reports reinforce this message.

70. According to his business card, Defendant Chu is also the Vice President of the New York Association for Peaceful Unification of China, which operates directly under and for China's United Front Work Department. The Canadian Security Intelligence Service (CSIS) has described the United Front Work Department as operating at the heart of China's foreign espionage operations, via, e.g., the recruitment of spies and management of the Party's overseas spy networks. According to the same CSIS report, the United Front Work Department is designed to win the support of friends and allies and to destroy Party enemies (including Falun Gong).

71. Defendant Chu has also served as an affiliate of other anti-Falun Gong Party-controlled entities operating out of China, including the United Federation of Chinese Associations – Northeast US, which was formerly named "New York Federation of Chinese Associations" and which he chaired in 2010. According to several official reports, including the Shanghai Overseas Chinese Affairs Office, members of the federation do "vast amounts of work" in "battling against" Falun Gong. The President of the Northeast division (formerly the New York division) emphasized during a China Central Television interview, "We are the first overseas organization to step forward and struggle against Falun Gong. We held five anti-Falun Gong rallies. Once, we confronted them on the street, we organized counter protests whenever they had a parade. We did an outstanding job." See, CCTV.com, June 22, 2001] "Overseas Chinese discussing development"

□ <http://www.cctv.com/overseas/chinareport/200106/22.html>.

72. Finally, Chu chairs the Flushing Neighborhood Watch, which, upon information and belief, the New York Federation of Chinese Associations created on May 24, 2010, to monitor dissidents residing in Flushing, including especially Falun Gong.

73. Defendant Chu has been rewarded for his anti-Falun Gong/pro-Party stances. He is featured in several Chinese-sponsored news reports as a loyal patriot of China and a loyal member of the “overseas Chinese” due to his anti-Falun Gong activities, including those related to his role in the CACWA. See, e.g., <http://english.cctv.com/program/news-hour/20091008/102189.shtml>.

#### **Defendants’ Unlawful Acts Against Plaintiffs**

74. CACWA’s unlawful objectives were carried out through Defendants Li and Chu via violence and intimidation, propaganda, and an ongoing interference with believers’ travel, religious practices, and protected activities authorized or approved by the state. Defendants CACWA, Li, and Chu carried out the alleged abuses in concert with others, including Defendants Wan, Zhu, and Does 1-5. Defendants are well organized and coordinated, acting in tandem and with reinforcements available to support acts of violence and intimidation.

#### **A. The Defendants’ Campaign of Violence and Intimidation**

75. The CACWA carried out violent attacks and acts of intimidation against Falun Gong believers through CACWA agents Li and Chu, who collaboratively established, coordinated, mobilized, instigated (or incited), endorsed, ratified and furthered the campaign. Defendants Wan and Zhu collaborated with Defendants CACWA, Li, and Chu to carry out acts of violence and intimidation as detailed below.

#### **Defendant Li Huahong**

76. After Defendant Li registered the organization in September 2008 she has directly incited, instigated, and carried out acts of violence and intimidation against Falun Gong believers in Flushing. Her CACWA collaborators – mobs of “overseas Chinese” Chinese Communist Party loyalists assembled by Defendant Li to violently suppress Falun Gong – include Defendants Wan, Zhu, and as yet unidentified Does. Li additionally manages and staffs the CACWA booth that distributes and

displays anti-Falun Gong propaganda materials, recruits and attracts “overseas Chinese” to assist with the campaign to *douzheng* Falun Gong in Flushing.

77. On March 19, 2009, Defendant Li, together with roughly twenty to thirty associates, attacked Plaintiff Bian Hexiang based on her mistaken belief that Bian was a Falun Gong believer. While he was conducting his personal affairs at his neighborhood bank, Defendant Li, who was standing a few feet from Bian’s bank, cursed at him. Immediately thereafter, Defendant Li made a series of phone calls requesting “backup” or “support” from persons available to support the ensuing violence and intimidation. Within ten to fifteen minutes, roughly twenty to thirty individuals gathered together, including Defendant Zhu, who uses a wheelchair. The group waited for Plaintiff Bian to exit the bank. As soon as he walked out of the bank, they surrounded him, and acting in unison, cursed, beat, and spit at him, placing him in fear of imminent incapacitating bodily harm or even death. Members of the mob continuously used inflammatory anti-Falun Gong polemic typical of the CACWA to insult and dehumanize Falun Gong believers. During the incident, Defendant Zhu, after consulting with Defendant Li, aggressively grabbed Plaintiff Bian as well as his bag. After a short tussle, Plaintiff Bian managed to escape from Defendant Zhu’s grip. At that point, Defendant Li’s associates begin to chant in unison, “Falun Gong is beating up a disabled person.” Defendant Zhu immediately jumped out of his wheelchair, lay on the ground, and again grabbed Plaintiff Bian. The attacks evince well-coordinated planning, a shared purpose to violently suppress Falun Gong, and a negative animus toward Falun Gong. One of the CACWA collaborators called the police who, in turn, ignored Plaintiff Bian’s explanation of what had transpired and arrested Plaintiff Bian based on what they were likely told by Defendant Li and/or one or more of her associates. At the 109th police precinct, Plaintiff Bian was asked if he practiced Falun Gong. When he said he did not, the officer told him that they had mistreated him based on their belief that he practiced the Falun Gong religion. A picture of Plaintiff Bian in handcuffs was posted on a CACWA affiliate website, Kaiwind, causing Plaintiff Bian to experience severe humiliation and emotional distress. Plaintiff Bian still experiences fear of further injury in the neighborhood, where he resides.

78. On June 3, 2009, Defendant Li was arrested on a charge of grand larceny after stealing a cell phone from a Falun Gong believer, Dr. Wenyi Wang. The Queens Criminal Court issued Dr. Wang a protection order, stating that Defendant Li may not come within 100 yards of her.

79. In April 2011, Defendant Li said to Plaintiff Gao Jinying, in the presence of other eye-witnesses: “You are all pets of the United States, lapdogs of America. Even the United States cannot protect you; we can make you disappear instantly even in the United States. The Chinese Embassy has a blacklist of all of you. Moreover, if you go back to China, we’ll shoot you.” Due to Defendant Li’s known history of violently attacking Falun Gong believers in Flushing, Plaintiff Gao was placed in fear of imminent bodily harm and suffered severe emotional distress. Plaintiff Gao’s awareness that Falun Gong believers are routinely subjected to “disappearance” in China served to intensify her fear and distress.

80. Also in April 2011, Defendant Li walked past the Falun Gong spiritual center site situated in front of the Golden Mall near 41-28 Main Street in Flushing and said to Plaintiff Zhou, who was distributing Falun Gong religious and protest flyers, “You are all lapdogs of the United States. Do you dare to return to China? If you go back, we’ll shoot you to death. The Chinese Embassy has you on a blacklist.” As Defendant Li proceeded to knock the Falun Gong flyers off the table, Plaintiff Zhou became afraid and thought that Defendant Li was capable of anything and could not control her speech or actions. Plaintiff Zhou still recalls how fearful he was that Defendant Li might gain access to a gun and murder him on the streets of New York.

81. In July 2011, Defendant Li collaborated with Defendant Zhu to engage in activities that would continue to deprive Falun Gong believers in Flushing of their fundamental rights. At or around 4:00 p.m., Plaintiff Cao Lijun left her post at the Falun Gong site located at 41-70 Main Street and wheeled a cart carrying Falun Gong poster boards, flyers, and a folding table. Plaintiff Li Xiurong accompanied her. Both Plaintiffs walked in the middle of the road in order to avoid any contact with the CACWA booth located at 41-40 Main Street. As they passed the booth, Defendant Li walked into the road, pulled their cart towards her booth, and knocked her own CACWA table down. She then proceeded to pinch the back of one of her hands with the other hand to create the appearance of an injury. Defendant Zhu was with Defendant Li. As Defendant Li turned the back of her own hand red, she yelled loudly, in words like these, “Falun Gong is attacking me.” She then called out for “assistance” or “backup” from a nearby group of associates. Soon thereafter, a mob of twenty to thirty people arrived on the scene and surrounded Plaintiffs Cao and Li. Defendant Zhu grabbed Plaintiff Li’s pocket book, causing her physical pain and fear. A member of the group yelled

out, “Grab her and hold her.” Others yelled, “Kill her,” while others shouted, “Beat her to death,” placing Plaintiffs Li and Cao in fear of imminent bodily injury or even death. Plaintiff Cao escaped the mob and ran to the Spiritual Center to seek help. After thirty minutes, a police officer arrived at the scene and ordered the group to disperse. By information and belief, one or more Does participated in this attack.

82. In October 2011, Defendant Li gathered a number of people to attack a 90-year-old Chinese immigrant, cursing him and swearing at him. Upon information and belief, one or more Does participated in the violent attack, which was carried out based on Defendant Li’s misidentification of the immigrant as a Falun Gong believer.

83. In March and April 2012, during his unlawful detention in China, Plaintiff Zhang Peng was forced to watch an anti-Falun Gong propaganda video depicting acts of violence perpetrated against Falun Gong believers in Flushing in May 2008. The video, entitled “The Flushing Incident,” was shown to him to convince him that Falun Gong is persecuted everywhere, even in the United States. Plaintiff Zhang Peng still suffers from the mental torture he was forced to endure. This video is, as of the date of the filing of this Complaint, available at [www.kaiwind.com/redian/falasheng/flssj/](http://www.kaiwind.com/redian/falasheng/flssj/). Upon information and belief, Defendants Li and Chu played a major role in the transmission of this footage to China, fully aware that it would be used to mentally torture Falun Gong believers in China.

84. On June 28, 2014, Defendant Li collaborated with Defendant Wan to deprive Falun Gong believers in Flushing of their fundamental rights. First, Defendant Wan overturned the Falun Gong table located at 41-70 Main Street that displays Falun Gong religious and protest flyers. Plaintiff Wei then shot a video of the overturned table and the surrounding area. As Defendant Li approached the site, Plaintiff Wei videotaped her. Immediately thereafter, Defendant Li aggressively grabbed Plaintiff Wei’s camera, which was held by a strap around his neck. Defendant Li demanded that Plaintiff Wei delete the videotapes. Defendant Wan and Li’s behavior placed Wei in fear of imminent bodily injury or even death. He now lives in a state of fear and panic because of the ongoing nature of the attacks perpetrated against Falun Gong in the Flushing neighborhood where he resides.

85. In July 2014, Plaintiff Cui Lina heard Defendant Li say to several Falun Gong believers, “I’ve already taken pictures of all of you. The moment you return to China, we will arrest you.”

86. On December 17, 2014, Defendant Li physically attacked and verbally abused Plaintiff Lo who was staffing a Falun Gong site located at 136-06 Roosevelt Avenue, near the Spiritual Center. The incident began soon after a woman wearing a red CACWA vest posted a series of anti-Falun Gong posters on the wall just behind the table that Plaintiff Lo was staffing. The woman ordered Plaintiff Lo to leave his post near the table because she could not see the materials she had just posted behind Plaintiff Lo. When Plaintiff Lo refused to move, Defendant Li physically attacked and verbally abused him for several minutes. A few months earlier, on February 8, Plaintiff Lo was subjected to acts of violent intimidation when a group of CACWA supporters wearing the CACWA red vests, Chinese Communist Party loyalists, and others raised their fist and shouted in Chinese, “Down with the evil cult,” while Plaintiff Lo travelled as a participant in a lawfully permitted Chinese New Year’s parade on Main Street. Upon information and belief, Defendant Li coordinated and organized the attack along with Defendant Chu. In light of so much past violence, including an earlier February 12, 2011, incident in the same location where an anti-Falun Gong individual jumped the police barricade and threw himself at the Falun Gong practitioners participating in the Chinese New Year parade, these incidents placed him in fear of imminent bodily injury or even death.

87. In spite of multiple arrests and court appearances, Defendant Li is still involved in the perpetration of criminal conduct as part of her CACWA mission to “make Falun Gong disappear” from Flushing.

Defendant Michael Chu

88. Defendant Chu, who serves as one of two Co-Chairs of the CACWA, has planned, ordered, coordinated, conspired to commit, has directly incited or instigated, and has subsequently endorsed or ratified acts of violence and intimidation against Falun Gong believers in Flushing.

89. Most recently, during the Flushing Chinese New Year Parade, according to a recording of the instructions Chu delivered to an audience of CACWA supporters, Neighborhood Watch members and others, Chu told them to “PK” Falun Gong. “PK” is a slang term used in Chinese communities which roughly means “battle against” or “defeat.” Chu reimbursed Neighborhood Watch members who joined the parade dressed in CACWA anti-Falun Gong attire. On the same day, Chu devised or approved the CACWA’s plan to include a huge banner on the CACWA float

stating “Falun Gong evil cult harms others, themselves and the society.” According to Ms. Connie Chang, the organizer of the Chinese Flushing Business Association (“CFBA”), the CACWA did not put anything about the anti-Falun Gong banner in their application for entry into the parade, and the banner did not comply with the CFBA rules.

90. Defendant Chu has made numerous public appearances as co-Chair of the CACWA, where his primary or sole purpose was to advocate aggression and violence against local New York Falun Gong adherents. As just one example, on May 13-15, 2014, Defendants Chu appeared with Defendant Li in front of the United Nations headquarters in New York City, holding banners and calling out slogans dehumanizing and degrading Falun Gong adherents who were on the scene celebrating a religious event, and calling for aggression against them.

91. Almost daily, Chu can been seen distributing CACWA fliers or standing beside CACWA poster boards that call for violence against believers and characterize them in dehumanizing and degrading terms.

92. On November 22, 2014, Chu told a crowd of CACWA collaborators and other “overseas Chinese” Chinese Communist Party loyalists to oppose Falun Gong believers as members of a “*xie jiao*” (“evil cult” or “deviated religion”), which as noted above is used in Chinese Communist Party parlance to mark dissident religious groups as legitimate targets for discrimination and abuse. Defendant Chu made similar remarks to a similar group on April 26, 2014 and August 16, 2014. In the latter 2014 video-taped incident, Defendant Chu asked the CACWA collaborators and supporters who were present to clap if they agreed.

93. Defendant Chu established as the emblem of the CACWA uniform a red vest with bold letters identifying Falun Gong as members of a “*xie jiao*.” The vest has been worn by Chu and other Defendants during their violent confrontations with Falun Gong believers.

94. On several occasions, including on August 6, 2013, Defendant Chu was seen at the public library located on Main Street in Flushing with a group of high school students he had assembled to distribute anti-Falun Gong literature calling for the violent suppression of the religious group. All were wearing the CACWA anti-Falun Gong vests that many CACWA supporters wear during violent confrontations with believers. Upon information and belief, one or more members of the

Flushing Neighborhood Watch helped Defendant Chu recruit the student volunteers and in other ways coordinate the effort.

95. On April 25, 2014, Defendant Chu made a point of cursing and threatening Falun Gong believers as they participated in a Chinese New Year parade in Flushing. By information and belief, Defendant Chu planned and conspired with others who directly interfered with Falun Gong paraders during several other permitted parades, including the February 2014 Chinese New Year parade and the Chinese New Year parade held on February 12, 2011.

96. More recently, on December 15, 2014, Defendant Chu stood by while Defendant Wan violently attacked Falun Gong believer Su Chenyu. Defendant Chu has additionally endorsed, supported, and instigated violent attacks against other Falun Gong believers by silently standing by at the scene of such attacks.

97. Defendant Chu has instigated and/or incited the violence against Falun Gong in Flushing in other ways. Defendant Chu has offered to pay “overseas Chinese” between seven and nine dollars a day to engage in acts vilifying or attacking Falun Gong believers and their religion to residents of and visitors to Flushing. Chu routinely stands beside CACWA poster boards that call for violence against believers and which dehumanize and degrade the religion and its believers.

98. Upon information and belief, Defendant Chu has spoken at great length about Falun Gong at events organized by CACWA in collaboration with other anti-Falun Gong groups in Flushing due to his negative animus towards Falun Gong; and collaborated with Li in the mobilization of the particular acts of violence carried out by Li and the other Defendants.

99. Defendant Chu’s instigation of the alleged abuses also occurred through his coordination of the CACWA’s anti-Falun Gong propaganda campaign, as described below at ¶¶ 116-26.

#### Defendant Wan Hongjuan

100. Defendant Wan, who routinely collaborates with Defendant Li, has carried out acts of violence and intimidation against Falun Gong believers in Flushing on multiple occasions. Wan has also instigated (or incited) acts of violence and intimidation through her distribution of the CACWA materials described herein.

101. On January 16, 2015, at or around 1:10 p.m., while Plaintiff Zhang Jingrong and Falun Gong believer Zhang Youxiang were traveling by foot distributing Falun Gong religious and protest materials in front of the Falun Gong spiritual site located at 41-70 Main Street, Defendant Wan approached the table, knocked religious materials that were on display onto the ground, and while holding a piece of paper said, “I will eradicate you all from the United States. I have a list of all of your names on my paper. It is of no use if you call the police.” Wan’s behavior placed Plaintiff Zhang Jingrong and Zhang Youxiang in fear of imminent bodily harm or even death.

102. On the very same day, while Plaintiff Zhou was traveling by foot on Main Street near the Falun Gong spiritual site located at 41-28 Main Street passing out Falun Gong religious and protest materials, he saw Defendant Wan knock Falun Gong materials off the Falun Gong table located at the same location and heard her say loudly to him and to the other Falun Gong believers in the area, “You can call the police. We have people in the police station. I am going to eradicate all of you within three months.”

103. On January 3, 2015, as Plaintiff Zhang Cuiping left the site where she displayed poster boards protesting China’s expropriation of her property, she walked along Main Street under the Long Island Railroad underpass on her way to the grocery store. During her walk, she took a picture of Defendant Wan, who was standing in front of the CACWA anti-Falun Gong posters. Defendant Wan rushed at her, accused her of practicing Falun Gong, grabbed her camera, and struck her on her left arm. Plaintiff Zhang retreated to where her poster boards were located, near the entrance to New World Mall. Defendant Wan approached this site and threatened Plaintiff Zhang, telling her, “Today you took a picture of me. I warn you. Don’t take a picture of me. If you continue to do this, I want to tell you how you will die. I won’t kill you, but someone else will.” Plaintiff Zhang took her camera out and began to videotape Defendant Wan. Defendant Wan grabbed the camera again, ripping it out of Plaintiff Zhang’s hands, damaging it and throwing it to the ground. Plaintiff Zhang picked up her camera while Defendant Wan repeatedly told her, “I won’t kill you, but someone else will.” Defendant Wan returned to the underpass and was seen making a phone call. Upon information and belief, Wan called Defendant Chu for back up and support. Soon thereafter, at or around 12:30 p.m., Defendant Chu arrived at the scene to provide support to the CACWA’s

ongoing anti-Falun Gong campaign by telling passersby, “I oppose the evil cult and harmful [Falun] Gong.” Plaintiff Zhang filed a formal complaint at the 109<sup>th</sup> police precinct.

104. In September 2014, Defendant Wan subjected a Falun Gong believer to death threats near the CACWA booth located at 40-46 Main Street in Flushing, in concert with Defendant Li. When the Falun Gong believer walked by, Defendant Li cursed and followed the woman in a threatening manner while Wan said, “If you return to China, we’ll kill you.”

105. On August 26, 2014, Defendant Wan cursed and assaulted a Falun Gong believer, who was distributing flyers describing the nature of the Falun Gong religion and the violent suppression of believers in China. After referring to a Falun Gong believer as a “fucking Falun Gong motherfucker” while he was distributing CACWA flyers that discussed the persecution of Falun Gong in China, Defendant Wan pushed and shoved him and attempted to throw his camera to the ground, placing him in fear of imminent bodily harm. Then, coming up from behind, Defendant Wan kicked him in the back of his knee. He limped away from her as best he could. He lives in a state of fear and alarm, aware that he could be subjected to further abuse in the Flushing neighborhood where he resides, based solely on his religious identity.

106. On August 23, 2014, Defendant Wan threatened and physically attacked Plaintiff Wei Min while he was walking past the CACWA poster-board site at the Long Island Railroad underpass on Main Street in Flushing. Defendant Wan threatened to steal Plaintiff Wei’s cell phone and then struck him on the neck. Defendant Wan then snatched Plaintiff Wei’s cell phone. Plaintiff Wei suffered physical injuries on his neck as a result of the attack. He now lives in a state of fear, alarm and severe emotional distress based on the ongoing violent and intimidating acts carried out against Falun Gong believers in Flushing. His fear of imminent violence was all the more intense as he had been similarly attacked by Defendant Li a few months earlier in the presence of Defendant Wan. See ¶ 84.

107. On July 21, 2014, while Plaintiff Hu Yang was walking and distributing Falun Gong religious and protest materials with Plaintiff Gao Jingying near the Falun Gong spiritual site located at 136-06 Roosevelt Avenue, Defendant Wan walked over to the spiritual site table and kicked the display boards located at that site. Soon thereafter, Defendant Wan approached Plaintiff Hu and tried to seize his cell phone while shoving and kicking him. Her irrational violence alarmed Plaintiff Hu and

placed him in fear of imminent incapacitating or lethal bodily harm. Someone shouted that he'd called for police support.

108. A few days later, on July 24, 2014, while Plaintiffs Hu, Cui, and Gao were walking and distributing flyers at the same location, Defendant Wan approached them and said, "You are even worse than dogs. I'm going to round you all up and exterminate all of you within three months. I'll strangle all of you to death." All of the involved Plaintiffs were placed in fear of imminent lethal or incapacitating harm. According to Gao, she added, "I'll finish you; I'll dig out your hearts, livers and lungs. Someone will kill you." All three Plaintiffs were afraid that Wan would imminently injure or kill them.

109. On July 19, 2014, Defendant Wan physically assaulted Plaintiff Zhang Peng while Plaintiff Zhang walked up and down Main Street distributing Falun Gong religious and protest materials in front of the Falun Gong spiritual site located at 136-06 Roosevelt Avenue. The incident began when Defendant Wan approached Plaintiff Zhang and told him that the Falun Gong religious/protest boards at the site were blocking her way and that she intended to remove them. Defendant Wan seized a display board and tore it up, threw it on the ground, and stepped on it. As she did the same with three other Falun Gong display boards, Plaintiff Zhang attempted to hold the boards to prevent her from destroying them. Defendant Wan shoved him as she violently grabbed the boards from his grip. The incident placed Plaintiff Zhang in fear of imminent incapacitating bodily harm, in part because he knew that Defendant Wan had engaged in violence on more than one occasion and, having lost all semblance of self-control, appeared capable of anything. When Plaintiff Zhang told her he was going to call the police, she left the scene.

#### Defendant Zhu Zirou

110. Defendant Zhu, who has appeared at CACWA-organized anti-Falun Gong sites and events and collaborated with the other named Defendants during violent confrontations with Falun Gong, has carried out acts of violence and intimidation against Falun Gong believers in Flushing as a CACWA collaborator since 2009. Zhu has also contributed to if not incited the violence through his distribution of the CACWA propaganda materials described herein.

111. In September 2014, Plaintiff Xu Ting was distributing Falun Gong religious and protest flyers that describe the nature of the spiritual practice and the brutal suppression of believers in China. Not recognizing Defendant Zhu, she innocently gave him a flyer. Upon receipt of the flyer, Defendant Zhu smashed the flyer in Plaintiff Xu's face and cursed her. Plaintiff Xu ran away in tears. To this day, Plaintiff Xu is afraid to travel to the area of the Spiritual Center, based on this incident and the ongoing acts of violence and intimidation perpetrated against Falun Gong believers in Flushing.

112. In September 2011, Defendant Zhu physically attacked Plaintiff Zhou Yanhau, who was staffing the Falun Gong site located on Main Street about 30 feet north of 40-41 and which displays materials describing the peaceful nature of the Falun Gong religion and the widespread nature of the crackdown on believers in China. Defendant Zhu angrily attempted to tear a Falun Gong poster, and then struck Yanhua on his arms with both fists, placing Plaintiff Zhou in fear of incapacitating or lethal bodily harm. Since that time, he has been subjected to threats by both Defendants Zhu and Wan, intensifying his fear and emotional distress.

113. In July 2011, Defendant Zhu attacked Plaintiffs Li Xiurong and Cao Lijun. As Plaintiffs Li and Cao were passing by the CACWA's booth located at 41-28 Main Street in Flushing, they were singled out by Defendants Li and Zhu. Defendant Li called out for "backup," at which point an angry mob of twenty to thirty people gathered together and surrounded Plaintiffs Li and Cao. Defendant Zhu grabbed Plaintiff Li's shoulder bag. Plaintiff Cao managed to escape and ran to the Spiritual Center to seek help. The violence stopped after police arrived on the scene. The incident placed both women in fear of imminent bodily harm.

114. On March 9, 2009, Defendant Zhu collaborated with Defendant Li and others to intimidate and physically injure Plaintiff Bian. See *supra* at ¶ 77. After the attack, three policemen arrived on the scene. Rather than listen to Bian's account of the violence and intimidation he'd experienced, they arrested him, based on the misinformation likely provided by Defendant Li and/or one or more of her associates. At the police station, after Plaintiff Bian explained to the police that he does not practice the Falun Gong religion, the police said that Li Huahong and the others with her thought that Bian practiced Falun Gong. A picture of Plaintiff Bian in handcuffs was posted on a CACWA affiliate website, Kaiwind, causing Plaintiff Bian severe humiliation and emotional

suffering. Plaintiff Bian lives in a state of fear and panic, afraid that he will be attacked by Defendant Li or one of her associates in the Flushing neighborhood where he resides.

115. The aforementioned acts of violence and intimidation were carried out in broad daylight in Flushing, thereby disrupting the operations of local business owners, residents, and passers-by engaged in daily work or other private activities in the neighborhood. These attacks have additionally interfered with the intra-state travel, religious worship at the Spiritual Center, distribution of religious materials at associated Falun Gong sites, and other protected activities of Plaintiffs. They have also prevented the constituted authorities of Flushing, Queens County, and the State of New York from providing the Plaintiffs full, free, and equal access to the streets of Flushing and to permitted peaceful protest and religious activities.

#### **B. The Defendants' Propaganda Campaign**

116. The indispensable role of propaganda in "*douzheng*" campaigns in China has been reported by China experts. See, e.g., Perry Link, "An Anatomy of Chinese: Rhythm, Metaphor," *Politics*, at 312 (Harvard University Press, 2013); Ryan Mitchell, "Tiananmen and China's Philosophy of 'Struggle,'" *The Huffington Post*, May 30, 2014. It has also been acknowledged by the perpetrators themselves. Jiang Zemin, the founder and architect of the persecution of Falun Gong believers in China, who initiated the campaign when he declared "we must implement a *douzheng* strategy, in order to split apart and disintegrate [Falun Gong]," instructed the highest echelons of the Chinese Communist Party to characterize Falun Gong believers as appropriate targets of the "*douzheng*" campaign to ensure its success. Likewise, according to the Party's all-powerful Xinhua News Agency, by characterizing Falun Gong believers as "terrorists" in the post-9/11 era, China would not have to explain its abusive practices to the outside world, much less justify them in China. This approach echoes that of infamous Nazi propagandist Joseph Goebbles, who himself declared, "We could only eliminate the Jewish danger because the people had recognized it as such as the result of our propaganda."

117. Like the propaganda campaigns associated with ethnic cleansing and widespread violence elsewhere, Defendants Li and Chu's production and dissemination of these materials to instigate aggression has included the use of (1) imperative speech calling for the violent suppression (the *jiépi*,

the *zhuanhua*, or *douzheng* of all believers), often coupled with reports of its effective implementation; and (2) dehumanizing depictions of Falun Gong believers which support the calls to suppress Falun Gong.

Explicit Calls for the Violent Suppression of Falun Gong Believers

118. The CACWA flyers and pamphlets which are on display at the CACWA booth and are distributed daily to “overseas Chinese” residing in Flushing use coded terms to directly call for the violent suppression of Falun Gong. One such CACWA flyer, based on a webpage from the website [www.cqkp.cn](http://www.cqkp.cn), calls upon all “overseas Chinese” “to completely eradicate Falun Gong,” (“*chedi dujue*”) and urges the American government to “strike a severe blow against” (“*yanli daji*”) Falun Gong in the United States. Calls to subject believers to violent forced conversion practices (“*zhuanhua*”) are also commonplace. See, e.g., CACWA publication “Falun Gong’s Conspiracy,” April 15, 2014.

119. Several of these materials directly seek to recruit “overseas Chinese” to carry out the attacks on behalf of the CACWA. For example, one set of CACWA recruitment materials distributed regularly on the streets of Flushing openly invites Flushing residents and visitors “to email” the CACWA if they “would like to take part in [their] activities to defeat [‘duifu’] Falun Gong.

120. All of these coded words and euphemisms are adopted from Chinese Communist Party parlance, where they routinely effect real-world consequences. See, e.g., Frederick C. Tiewes, “Politics and Purges in China: Rectification and the Decline of Party Norms, 1950-1965.” Such terms include the already-noted “*douzheng*” in addition to the vitally important “*zhuanhua*” (“transformation,” referring to forced conversion through torture), among others. According to China expert He Qinglian, the use of such terminology is not mere rhetoric, but rather constitutes an order to Chinese everywhere to violently suppress the target in order to curry favor with the Party or avoid becoming its enemy.

Depictions Characterizing Falun Gong as Appropriate Targets of Violence and Abuse

121. Among CACWA’s many statements and propaganda directives manifesting its intent to completely rid the United States of Falun Gong are its oft-repeated attempts to dehumanize the

religion's adherents in order to justify calls for their wholesale eradication. One tactic for such dehumanization portrays the religion's followers as mentally subhuman, diseased, or pestilential—thus removing any humane reservations to their abusive treatment by CACWA and its associates. In this vein, CACWA flyers repeatedly invoke demeaning and animal-related imagery, implying that Falun Gong believers' mental state is not far from that of animals. In other materials the CACWA distributes in Flushing, Falun Gong believers are characterized as "malignant tumors" and as dangerous threats to society or humankind. These depictions are often accompanied by graphic, explicit calls to violence.

122. A related tactic routinely used in the CACWA materials is to characterize Falun Gong believers as members of a "*xie jiao*" ("evil cult" or "deviated religion"), a phrase used in Chinese Communist Party parlance to mark dissident groups as legitimate targets for discrimination or violent abuse, much as racial epithets marked African Americans as legitimate targets of discrimination and lynching. "*Xie jiao*" is a similarly offensive term and is calculated to wound and denigrate the target.

123. Posters and banners that are posted at all public transportation entrances and exits to and from Flushing deploy all of these incendiary methods. For example, in association with the Party-affiliated "Chinese Descent Civil Rights Research of New York, U.S.A. Corp.," the CACWA distributed and posted a poster threatening and warning Falun Gong believers that the same violence used against believers in China would be used against them in the United States. Other posters urge Chinese-speaking residents and visitors to beat Falun Gong as they would a road rat or to treat them as they would members of a "*xie jiao*." As noted above, many of these materials depict skulls and cross bars beneath the coded phrases.

124. The CACWA's anti-Falun Gong propaganda and its organization of anti-Falun Gong demonstrations and violent assaults or confrontations were and continue to be essential to the injuries suffered by Falun Gong believers in Flushing, including their deprivation of rights. These materials successfully instigate anti-Falun Gong animus, which Defendants Chu and Li coordinate into specific incidents of violence and intimidation.

125. The context of the CACWA's anti-Falun Gong campaign is important. Its insidious rhetoric and attempts at instigating violence against Falun Gong believers could only take hold in

communities with a high percentage of Chinese Communist Party loyalists who understand the coded language and routinely read Party-controlled news (disseminated by the China Anti-Cult Association, Kaiwind Inc., China Central Television, et al). It is specifically because CACWA knew Flushing was such a community that it was able, through a near decade-long effort, to attract willing collaborators and to meaningfully provoke and bring about a campaign of violence and intimidation against the Falun Gong community there.

126. As a result, Falun Gong believers in Chinese diaspora communities in Flushing (and elsewhere in the United States) are routinely viewed in their own communities as subhuman or demonic threats to society, and they must encounter this characterization, the assaults on their dignity, and the inevitably ensuing violence and hatred that results from it, every day. Falun Gong believers are incapable of enjoying their human and civil rights to peaceful self-expression, assembly, affiliation, and religion. Their rights to intrastate travel, to religious worship at a designated place of worship, and to engage in other protected and state authorized activities have been interfered with and curtailed. They are ostracized, stigmatized, subjected to hate speech, intimidation, and violence, and are prevented from participating in civic activities such as parades, festivals, and the free use of public space, and are generally denied the right to enjoy free civic life.

**C. The Defendants' campaign of violence and intimidation against Falun Gong is ongoing and is not amenable to police action.**

127. CACWA's campaign of violence and intimidation has been ongoing since 2008.

128. This campaign includes a series of direct violent attacks or threats by Defendants Li (at least twelve), Wan (at least nine), Zhu (at least five), and others, in addition to incitement and instigation of attacks by Defendants Chu and Li through their own statements and the materials CACWA supporters distribute daily under their direction. It also includes serious threats of violence, including threats to strangle, to exterminate, to have Falun Gong murdered by someone else, and to tear out the organs of believers. All of this has occurred in the United States while an ongoing persecutory campaign continues to be waged against the same believers in China.

129. Since 2014, the violence appears to have increased dramatically. As indicated by the preceding allegations, there were three significant incidents of violence and intimidation directed against the Falun Gong community in Flushing in 2008; three in 2009; and four in 2011. By

comparison, there were more than ten such incidents in 2014, and three incidents have occurred already in 2015.

130. The potential for more violence is not hypothetical. As indicated *supra*, the Falun Gong community was the target of violence and intimidation on December 15, 2014; on January 3, 2015; and on two separate occasions on January 16, 2015. Thus, these incidents are beginning to occur about every other week, and there is no reason to believe they will not become even more frequent as the offenders continue to avoid any serious punishment or accountability.

131. The police have not been able to control the violence, intimidation, and other criminal conduct to date, and they appear unable to stop, prevent, and/or control further incidents. While police have arrived on the scene of some of the incidents described herein, the violence has continued even where arrests were made.

**D. The Defendants' acts of violence and intimidation have deprived Plaintiffs of equal protection of the laws, equal privileges and immunities under the laws, their First Amendment right to religious freedom at places of religious worship, and their dignity.**

132. Plaintiffs, acting out of solidarity with their fellow Falun Gong believers, are all routinely engaged in peaceful, legal, and state-authorized protests of the Chinese Communist Party's persecution of Falun Gong. Defendants, through their threats, acts of physical intimidation, and acts of violence, have interfered with Plaintiffs' ability to exercise their constitutional right to engage in these protest activities, including lawful participation in parades and distribution of religious or protest materials. Defendants do not target other peaceful protesters, but instead focus their aggression and hostility on protesters who practice or adhere to Falun Gong.

133. Defendants, through their ongoing campaign of intimidation and violence, have interfered with and denied Plaintiffs' ability to peacefully and legally use public spaces in and around the Flushing, New York area. Plaintiffs are unable to travel by foot to, among other things, distribute religious or protest materials, without fear that Defendants will threaten, intimidate, or physically assault them as a result of their actual or perceived religious beliefs.

134. Defendants, through their ongoing campaign of intimidation and violence, have interfered with and denied Plaintiffs' ability to carry out their daily activities, including routine commuting and

travel in and around the Flushing, New York area. Defendants routinely target Plaintiffs and interfere with Plaintiffs' daily activities as a result of Plaintiffs' actual or perceived religious beliefs.

135. Defendants, through their ongoing campaign of intimidation and violence, have interfered with and denied Plaintiffs' ability to practice their religious beliefs at the Falun Gong Spiritual Center or associated spiritual center sites in Flushing. Plaintiffs' attempts to practice Falun Gong through the study of religious texts, the lotus-posture meditation (similar to the meditative exercises practiced in Eastern religions for millenia), and the distribution of religious materials have been interfered with and denied as a result of Defendants' actions.

136. Due to the ongoing campaign of intimidation and violence, the Falun Gong plaintiffs are routinely viewed in their own communities as subhuman or demonic threats to society, and they must encounter this characterization, the assaults on their dignity, and the inevitably ensuing violence and hatred that results from it, every day.

### **The Defendants' Conspiracy, Aiding and Abetting, and Agency Liability**

#### **A. Conspiracy**

137. As Chairs of CACWA, a CACA member organization or affiliate, and acting pursuant to their shared mission, Defendants Chu and Li have planned, organized, and implemented a campaign of violence and intimidation targeting the Falun Gong community in Flushing, New York. This campaign continues to deprive Falun Gong believers of their fundamental rights, including rights to engage in religious worship at a designated site of worship, to access public streets and other public spaces, and to engage in protected speech and expression authorized or permitted by local authorities.

138. Defendants Chu and Li have conspired with Defendants Wan, Zhu, and others to carry out these activities in furtherance of CACWA's mission and for the purpose of violently suppressing Falun Gong believers in Flushing. Defendants Chu, Li, Wan, and Zhu share the same objective (to purge Flushing of Falun Gong believers); the same methods (the perpetration of ongoing acts of violence and intimidation, especially near Falun Gong spiritual center sites while believers are distributing or displaying Falun Gong religious materials); the same violence-inducing speech and anti-Falun Gong polemic; and the same anti-Falun Gong animus. They have physically attacked

Falun Gong in tandem and/or have stood by while such violent acts were being committed. Through these and related activities, including their distribution of the CACWA materials calling for the (often violent) suppression of Falun Gong believers, they have demonstrated their agreement to rid Flushing of Falun Gong.

139. Defendants Chu and Li have conspired with Defendants Wan, Zhu, and others to carry out these activities in furtherance of CACWA's mission and for the purpose of violently suppressing Falun Gong believers in Flushing. Defendants Chu, Li, Wan, and Zhu share the same objective (to purge Flushing of Falun Gong believers); the same methods (the perpetration of ongoing acts of violence and intimidation, especially near Falun Gong spiritual center sites while believers are distributing or displaying Falun Gong religious materials); the same violence-inducing speech and anti-Falun Gong polemic; and the same anti-Falun Gong animus. They have physically attacked Falun Gong in tandem and/or have stood by while such violent acts were being committed.

Through these and related activities, including their distribution of the CACWA materials calling for the *douzheng* /violent suppression of the religious minority, they have demonstrated their agreement to rid Flushing of Falun Gong.

140. Defendants have also conspired with as yet unidentified Does, who have participated in more than one of the acts of violence or intimidation perpetrated against Plaintiffs, in full collaboration with one or more of the other named Defendants. As such, they are responsible as co-conspirators who acted intentionally to carry out the Defendants' shared plan to carry out acts of violence and intimidation which directly caused damages and injury to Plaintiffs.

#### **B. Aiding and Abetting**

141. Defendants Chu and Li specifically intended to suppress Falun Gong believers in the United States, and to that end substantially assisted this suppression through their active mobilization, instigation, endorsement, and direct participation in violent and threatening activities targeting the Plaintiffs.

142. Through these acts, Defendants Chu and Li have also substantially assisted the deprivation of rights of the Plaintiffs. Without their assistance, the alleged abuses would not have occurred to the same degree, if at all.

143. As a co-Chair of CACWA, Defendant Li has directly assaulted and/or threatened Plaintiffs on more than ten occasions. See ¶¶ 76-87. She has mobilized individuals to assist her in the perpetration of many of these activities. See ¶¶ 76, 77, 81, 82, 86. She regularly staffs the CACWA booth that displays flyers and other materials that directly call for the violent suppression of Falun Gong or instructs visitors and residents of Flushing that Falun Gong believers are not entitled to the rights accorded to other citizens or residents in the United States. See ¶ 117. She has attended numerous activities and functions on behalf of CACWA. See ¶¶ 62, 64. She has planned, authorized, orchestrated, and helped to implement assaults, threats, and attacks on Falun Gong carried out by other CACWA supporters in Flushing. See ¶ 76.

144. As a co-Chair of CACWA, Defendant Chu has planned, authorized, orchestrated, and helped to implement the ongoing campaign of violence and intimidation in Flushing. See ¶¶ 88, 95, 99. He has appeared in public on behalf of the CACWA to advocate violence against Falun Gong. See ¶¶ 90, 92, 95, 99. He has recruited people to distribute and display CACWA flyers and posters characterizing believers as legitimate and appropriate targets for violence and abuse. See ¶¶ 94, 97, 99. He has instructed Flushing residents and visitors to treat Falun Gong as legitimate targets for abuse. See ¶¶ 89, 92, 93, 99. He has stood beside CACWA posters calling for violence and aggression against Falun Gong. See ¶¶ 91, 99. He has stood by while CACWA supporters have issued death threats against Falun Gong and/or injured and abused them. See ¶¶ 96.

145. As indicated just above, the assistance that Defendants Chu and Li provided was deliberate and specifically directed toward the widespread deprivation of rights and violent suppression of Falun Gong. Defendants Wan and Zhu shared this intent and substantially assisted this suppression and deprivation of rights through their (1) violent assaults of persons they perceived to be Falun Gong believers; (2) violent threats and other acts of intimidation; (3) regular participation in CACWA-staged anti-Falun Gong events; and (4) distribution of CACWA materials calling for and legitimizing anti-Falun Gong violence.

### **C. Agency**

146. Defendants Chu and Li acted as the agents of Defendant CACWA and of one another, and were at all times acting within the purpose and scope of such agency.

## **CAUSES OF ACTION**

### **First Cause of Action**

#### ***Assault and Battery***

Plaintiffs Zheng Jingrong, Zhou Yanhua, Lo Kitsuen, Xu Ting, Min Wei, Hu Yang, Gao Jinying, Cui Lina, Zhang Peng, and Zhang Cuiping against all Defendants

147. The allegations set forth above in this Complaint are re-alleged and incorporated by reference as if fully set forth herein.

148. All Defendants, directly or through collaborators or supporters, committed, conspired to commit, aided and abetted, or ratified acts of assault and battery under New York state law, including, for example, pushing, grabbing, clawing, hitting, kicking, physically intimidating, and threatening Plaintiffs.

149. Plaintiffs did not consent to these acts of touching.

150. Plaintiffs were placed in fear of imminent harmful or offensive conduct as a result of the physical intimidation and threats they endured.

151. Plaintiffs did not provoke these acts, which occurred during Plaintiffs' peaceful and lawful exercise of their rights to freedom of belief, expression, peaceful assembly, and protest.

152. Defendant CACWA acted through CACWA agents, Li and Chu, to commit acts of assault and battery. Defendants CACWA, Chu, and Li conspired with Defendants Wan, Zhu, and Does 1-5 to commit to commit the alleged abuses.

153. All defendants aided and abetted and/or ratified these acts of physical abuse by calling for, directing or ordering, endorsing, ideologically supporting, or failing to prevent or punish these acts.

154. As a direct and proximate result of Defendants' conduct, Plaintiffs were placed in great fear of imminent bodily injury or even death, and suffered severe physical and psychological abuse and agony, and were caused to suffer physical injuries. Plaintiffs suffered permanent physical injuries and incurred medical expenses. As a result of the assault and battery, Plaintiffs have suffered and will continue to suffer irreparable harm and damages in an amount to be proven at trial.

155. Defendants' acts were deliberate, willful, intentional, wanton, malicious, and oppressive and in conscious disregard for the rights of Plaintiffs and should be punished by an award of punitive damages in an amount to be determined at trial.

**Second Cause of Action**

***Bias Related Violence and Intimidation***

(N.Y. Civ. Rts. § 79-n)

All Plaintiffs against all Defendants

156. The allegations set forth above in this Complaint are re-alleged and incorporated by reference as if fully set forth herein.

157. Defendants CACWA, Li, and Chu planned, organized, called for, instigated, and/or carried out acts of severe degradation, assaults and battery, threats and other intimidating acts against Plaintiffs based solely on their perceived practice of the peaceful religion of Falun Gong. Defendants CACWA, Chu, and Li conspired with Defendants Wan, Zhu, and Does 1-5 to carry out these acts.

158. Defendants engaged in the above activities fully aware and intending that they would result in injury to Plaintiffs.

159. Defendants' animus toward Falun Gong is reflected in their pamphlets, banners, fliers, personal statements and other calls to violence, their CACWA affiliation, and/or prior acts of violence carried out by them and their affiliates against Falun Gong believers in Flushing, New York.

160. Defendants' activities described herein have caused Plaintiffs to suffer irreparable harm and damages in an amount to be proved at trial.

**Third Cause of Action**

***Conspiracy to Violate Civil Rights***

(42 U.S.C § 1985(3))

Plaintiffs Zhang Jingrong, Zhou Yanhua, Zhang Cuiping, Lo Kitsuen, Wei Min, Hu Yang, Gao Jinying, Cui Lina, Zhang Peng, Li Xiurong, Cao Lijun, and Bian Hexiang against all Defendants

161. The allegations set forth above in this Complaint are re-alleged and incorporated by reference as if fully set forth herein.

162. The Falun Gong Spiritual Center located on Main Street near 41<sup>st</sup> Avenue and the spiritual center tables situated within walking distance of the center, which are extensions of the Spiritual Center, are places of religious worship.

163. Defendants have conspired to use force and threats of force to prevent Plaintiffs from free and equal access to Main, Roosevelt, and other public streets in Queens County and the State of New York.

164. Defendants have conspired to use force and threats of force to prevent Plaintiffs from traveling to the Falun Gong Spiritual Center from spiritual center sites.

165. Defendants have conspired to use force and threats of force to prevent Plaintiffs from freely distributing religious or protest materials by foot in front of and adjacent to the Spiritual Center and its associated sites.

166. Defendants were motivated to carry out these acts by their religion-based invidiously discriminatory animus toward Falun Gong practitioners.

#### **Fourth Cause of Action**

##### ***Conspiracy to Prevent Authorities from Providing Full, Free, Equal Access to Public Spaces***

(42 U.S.C. § 1985(3))

Plaintiffs Li Xiurong, Cao Lijun, Zhou Yuanhua, Min Wei, Lo Kitsuen, Zhang Jingrong, Zhou Yuanhua, Hu Yang, Cui Lina, Gao Jinying, and Zhang Peng against all Defendants

167. The allegations set forth above in this Complaint are re-alleged and incorporated by reference as if fully set forth herein.

168. The actions by Defendants have prevented the constituted authorities of Queens County and the State of New York from giving and securing to the above designated Plaintiffs full, free, and equal access to the streets of Flushing, New York, and from engaging in peaceful protest and other protected activities that were permitted or authorized by the state.

#### **Fifth Cause of Action**

##### ***Interference with Religious Freedom***

(18 U.S.C. § 248)

Plaintiffs Zhang Jingrong, Zhou Yanhua, Lo Kitsuen, Wei Min, Hu Yang, Gao Jinying, Cui Lina, Zhang Peng, Li Xiurong, and Cao Lijun against all Defendants

169. The allegations set forth above in this Complaint are re-alleged and incorporated by reference as if fully set forth herein.

170. Falun Gong is a spiritual religious belief.

171. The Flushing Spiritual Center located on Main Street near 41<sup>st</sup> Avenue and the spiritual center tables situated within walking distance of the center, which are extensions of the Spiritual Center, are places of religious worship.

172. The above-designated Plaintiffs are Falun Gong practitioners who practice spiritual exercises and engage in religious study within the Spiritual Center and distribute religious materials at the spiritual center tables, in accordance with their religious beliefs.

173. Defendants have conspired to use force and threats of force to prevent the above-designated Plaintiffs from freely distributing religious materials at spiritual center sites.

174. Defendants have conspired to use force and threats of force to intimidate and prevent the above-designated Plaintiffs from freely practicing their religion at the Falun Gong Spiritual Center and other designated religious sites in Flushing, New York.

175. Defendants were motivated to carry out these acts by their religion-based invidiously discriminatory animus toward Falun Gong practitioners.

#### **Sixth Cause of Action**

##### ***Negligence***

Plaintiffs Zheng Jingrong, Zhou Yanhua, Lo Kitsuen, Xu Ting, Min Wei, Hu Yang, Gao Jinying, Cui Lina, Zhang Peng, and Zhang Cuiping against Defendants CACWA, Chu, and Li

176. The allegations set forth above in this Complaint are re-alleged and incorporated by reference as if fully set forth herein.

177. Defendants, through their aforementioned acts and omissions, created a dangerous situation for Plaintiffs by conspiring with others to establish a virulently hostile environment and to severely deprive Plaintiffs of their basic fundamental rights.

178. Defendants CACWA, Chu, and Li owed a duty to Plaintiffs to prevent harm as a result of the dangerous situation they intentionally created.

179. Defendants breached their duty by failing to prevent harm as a result of the dangerous situation they intentionally created.

180. As a direct and proximate cause of Defendants' breach of duty, Plaintiffs were harmed.

181. It was reasonably foreseeable that the Defendants' establishment of CACWA, furtherance of its anti-Falun Gong agenda, and furtherance of a campaign of violence and intimidation against the Falun Gong community in Flushing would result in this harm.

182. Defendants' conduct constitutes negligence and Plaintiffs are entitled to compensatory and punitive damages in amounts to be ascertained at trial.

#### Seventh Cause of Action

##### *Intentional Infliction of Emotional Distress*

Plaintiffs Zheng Jingrong, Zhou Yanhua, Lo Kitsuen, Xu Ting, Min Wei, Hu Yang, Gao Jinying, Cui Lina, Zhang Peng, and Zhang Cuiping against all Defendants

183. The allegations set forth above in this Complaint are re-alleged and incorporated by reference as if fully set forth herein.

184. The acts described herein constitute outrageous conduct in violation of all normal standards of decency and were without privilege or justification.

185. These outrageous acts were intentional and malicious and done for the purposes of causing Plaintiffs to suffer humiliation, mental anguish, and extreme emotional and physical distress, solely as a result of their perceived status as Falun Gong believers.

186. As a result of Defendants' acts, Plaintiffs were placed in great fear for their lives and suffered severe physical and psychological abuse and agony.

187. Defendants are liable for said conduct in that they directed, ordered, confirmed, ratified, carried out, and/or conspired with one another to bring about and intensify the severe psychological fear and agony suffered by Plaintiffs.

#### Eighth Cause of Action

*Public Nuisance*

Plaintiffs Zheng Jingrong, Zhou Yanhua, Lo Kitsuen, Xu Ting, Min Wei, Hu Yang, Gao Jinying, Cui Lina, Zhang Peng, and Zhang Cuiping against all Defendants

188. The allegations set forth above in this Complaint are re-alleged and incorporated by reference as if fully set forth herein.

189. Plaintiffs have a right to safely and lawfully travel in and occupy public spaces.

190. Through their conduct, Defendants have knowingly created and maintained an unreasonable interference with rights common to the general public by ordering, planning, instigating, leading, conspiring to carry out, participating in, and aiding and abetting campaigns of severe degradation, assaults, battery, violence, and intimidation against actual or perceived members of the Falun Gong community, including Plaintiffs.

191. Defendants' interference with rights common to the public is unreasonable in that it significantly interfered with Plaintiffs' and other Falun Gong believers' rightful enjoyment of life and property and specifically caused injury to the Plaintiffs. This interference is substantial and continuing, involving a disruption of the public safety and health of the entire Falun Gong community in Flushing, and a substantial number of other persons.

192. Defendants' conduct is continuing, and it has produced a permanent or long-lasting effect. Defendants knew or should have known that their conduct has a significant effect upon the Plaintiffs' rights common to the public.

193. Plaintiffs did not consent to the acts and omissions of Defendants described herein and the seriousness of the harm to Plaintiffs substantially outweighs the social utility of Defendants' conduct.

194. Plaintiffs have suffered and are suffering harms different from those suffered by the general public, as set forth above. Such harms are especially injurious to Plaintiffs, and it is unreasonable and unfair to Plaintiffs for Defendants to engage in the conduct set out herein.

195. Defendants' conduct was a substantial factor in causing harm to Plaintiffs. As a result of Defendants' acts and omissions described herein, Plaintiffs have suffered, and will continue to suffer, irreparable harm and damages in an amount to be proven at trial, including the inability to safely and lawfully travel in and occupy public spaces without fear of harassment, intimidation, or violence.

196. Defendants' acts were deliberate, willful, intentional, wanton, malicious, and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

### **VIII. PRAYER FOR RELIEF**

197. Based on the above facts, jurisdictional claims and legal arguments, Plaintiffs, on behalf of themselves and others similarly situated, ask for judgment against the Defendant as follows:

198. Beginning at various times and as early as May 2008 for Defendant Li and continuing to the present time, Defendant Li, and each of them, wrongfully and unlawfully engaged in threats, aggression, and intimidation against Plaintiffs, rising to the level of physical attacks on a number of occasions, and called for such violence by others.

199. Defendants' wrongful conduct, unless and until enjoined and restrained by order of this court, will cause great and irreparable injury to Plaintiffs, in that they will sustain physical harm and suffering, and a reasonable fear of being subjected to regular violent attack and threats of bodily harm. Plaintiffs will also continue to be unable to enjoy their basic civil rights, the use of public space, and free interstate travel by means of public transport.

200. Plaintiffs have no adequate remedy at law for these injuries, currently being suffered, in that prolonged litigation over previous incidents, even if successful and resulting in damages (as requested infra) will not put a stop to the ongoing pattern of regular threats and violence and interference with fundamental rights.

201. Plaintiffs will be further damaged in like manner so long as Defendants' conduct continues. Plaintiffs will amend this complaint to state further injuries or resulting requests for damages when the same becomes known to them.

WHEREFORE, Plaintiffs pray judgment against all Defendants, and each of them, as follows:

#### **Injunctive Relief**

For a permanent injunction, enjoining all Defendants, and each of them, and their supporters, co-conspirators, and all persons acting under, in concert with, or for them:

- From coming at any time within fifty feet of any of the Plaintiffs;□

- From coming at any time within fifty feet of the Falun Gong Spiritual Center located at 40-46 Main Street in Flushing, New York, and within thirty feet of spiritual center associated sites located in Flushing at 136-06 Roosevelt Avenue, 41-17 Main Street, 41-65 Main Street, 41-28 Main Street, and 41-70 Main Street;
- From committing acts of violence upon, or threatening, assaulting, intimidating, or harassing Plaintiffs and other Falun Gong believers in Flushing;
- From obstructing, impeding or interfering with the intra-state travel of Plaintiffs and other Falun Gong believers on the streets of Queens County and New York State;
- From obstructing, impeding, or interfering with Plaintiffs' and other Falun Gong believers' practice of their religion at the Falun Gong Spiritual Center and associated Falun Gong sites;
- From preventing the constituted authorities of Queens County and the State of New York from giving and securing to the Plaintiffs full, free, and equal access to the streets of Flushing, New York;
- From carrying out hate-based, aggressive, and/or violence-advocating demonstrations or activity within one-hundred feet of the Falun Gong Spiritual Center, and associated spiritual center sites;
- From distributing any materials or making any public statements which contain the following violent rhetoric:
  - Language which incites violence under the standard applied by the Supreme Court in *Brandenburg v. Ohio*, 395 U.S. 444 (1969);
  - Language which directly calls for violence against Falun Gong believers;
  - Hate-based, inflammatory language with a demonstrated history of instigating violence against targeted groups.

#### **Compensatory, Punitive, and Statutory Damages; Declaratory Judgment**

WHEREFORE, Plaintiffs pray for judgment against all Defendants, and each of them, as follows:

- (a) For compensatory damages according to and consistent with the injuries described, the extent of which will be demonstrated according to evidence to be presented;

- (b) For punitive and exemplary damages according to and consistent with the extraordinary and gross nature of the Defendants' conduct and the injuries it produced, the extent of which will be demonstrated according to evidence to be presented;
- (c) For punitive and statutory damages permitted under 18 U.S.C. § 248(c);
- (d) For a declaratory judgment confirming the unlawful nature of the pattern and practice of attacks, intimidation, and interference with rights that have taken place, and clarifying that the Defendants have played a material part, in concert and conspiracy with others in the CACA or Chinese Communist Party, in planning and carrying out these policies and practices, with the result of serious and permanent injury to the Plaintiffs;
- (e) For such other relief as the Court may deem suitable and necessary; and
- (f) For reasonable attorney's fees and costs associated with these proceedings, including service of process and the completion and presentation of evidence providing proof of the tort actions committed and the injuries they have produced.

**DEMAND FOR JURY TRIAL**

Pursuant to the requirements of Rule 38(b) of the Federal Rules of Civil Procedure, a jury trial is demanded for this case.

Respectfully submitted this 2<sup>nd</sup> day of March, 2015, by:

THE PLAINTIFFS

By Terri E. Marsh

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